

## **STATE OF NORTH CAROLINA COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Special Meeting on Monday, November 10, 2008 at 3:30 p.m. in the Commissioners Boardroom, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Phyllis Forbes.

Members Absent: Scott Heath

### **Call To Order**

Chairman Poteat called the meeting to order at 3:44 p.m.

Chairman Poteat led prayer.

### **Land Transfer Tax**

Chairman Poteat explained that six counties on the coast had been given the right to vote on the Land Transfer Tax and through lobbying efforts the legislature passed legislation giving the people across the state of North Carolina a right to vote on a referendum to accept or decline the Land Transfer Tax. Chairman Poteat stated that two to three weeks ago there was a full board and the vote was unanimous to lobby for a Land Transfer Tax through a voter referendum. Chairman Poteat advised that a week or so ago that there was a lengthy discussion about the use of the monies that would be generated and the use was determined by majority vote that the money be used exclusively for school capital outlay (i.e., buses, buildings, computers, etc.) and this would not supplant any monies already budgeted for the Board of Education. Chairman Poteat stated that there is a strong lobby against the Land Transfer Tax and the best plan of action should be determined. Chairman Poteat advised that he thought it would be appropriate to appoint a person as a facilitator.

**Motion by Susan Pittman and second by Phyllis Forbes to appoint Robert Wiseman, County Manager, as the facilitator for the Land Transfer Tax information finding. Motion unanimously approved with those in attendance. (3-0)**

Robert Wiseman, County Manager, stated that legally the only thing that the elected Board or the County Manager as the agent can do in facilitating this is provide accurate information on the Land Transfer Tax. The County Manager advised that by law no one can be influenced on how they should or should not vote on this issue but the information on the Land Transfer Tax can be presented to the citizens enabling them to make a sound decision on how they want to vote on the Land Transfer Tax. The County Manager stated that a draft had been prepared of a statement that should be put in the Avery Post and Avery Journal that will explain many of the questions that people would have regarding the Land Transfer Tax.

Chairman Poteat advised that at one of the workshops for the Land Transfer Tax it was recommended to begin 4-6 weeks ahead of the referendum to begin publicity and a blitz 3-4 weeks before the referendum. Chairman Poteat stated that he believed soon the citizens should have information about the Land Transfer Tax. The County Manager said that something needed to be sent out to the people because there were already many questions and this could stop some of the erroneous information.

Chairman Poteat read aloud the draft of questions and answers regarding the Land Transfer Tax. Discussion regarding the draft ensued with corrections and input from the Board members noted by the County Manager. Chairman Poteat stated that the Land Transfer Tax would not promise that taxes could go up in the future. Chairman Poteat gave an example to Glenn Johnson with three scenarios. Chairman Poteat asked Mr. Johnson if the Board of County Commissioners raised the property tax would that directly affect him. Mr. Johnson answered that this would affect him every year. Chairman Poteat asked Mr. Johnson if a sales tax was implemented, how often would he pay that tax. Mr. Johnson answered he would pay a sales tax almost every day. Chairman Poteat asked Mr. Johnson if the people of Avery County voted to allow a Land Transfer Tax, in his opinion, how many times would he pay that tax. Mr. Johnson stated that he would never pay the Land Transfer Tax because his land was not for sale at any price.

Phyllis Forbes advised that this document in the paper needed to be self-explanatory and something that everyone can understand especially the ones not involved in local government.

Chairman Poteat stated that Friday, November 14, 2008 by noon if there were any additions, deletions, etc. to call the County Manager and let him know so the document could be published in next week's paper.

The County Manager advised that in the near future a committee may be formed to get the information out to all the citizens.

**Public Comments**

Cleve Young, Plumtree resident, stated that he was for the Land Transfer Tax but he felt that this money should not be exclusively for school capital outlay but would like the Board to consider a portion going toward parks at some level and also consider a portion going to some sort of wastewater treatment facility. Chairman Poteat explained that other uses for these monies were discussed at great length but it was believed that the more that these monies were “watered down” the more likely the Land Transfer Tax would be defeated. Chairman Poteat stated that this could possibly free up other monies to be used for other concerns.

Loretta Smith explained that Tommy Burleson was in California and Mr. Burleson asked Ms. Smith to explain the letter he sent to the Board. Ms. Smith stated that the letter talks about how this tax would help the County and that Mr. Burleson felt the tax should be earmarked to help keep the tax rate down during a recession, for implementation and development of an Avery County water and sewer district but did feel some of the monies should go to school capital outlay and school supplies.

John Cantedore reported that his group of developers did not have the basic developer mentality and that as a buyer he was for the Land Transfer Tax and he believed that his group could give the Board a great deal of input that would help get this agenda across.

Chairman Poteat advised that the Board was a strong advocate of hearing from the citizens and there was a time of public comment at every meeting. Chairman Poteat stated that he respected Mr. Burleson’s thoughts and wishes but as a body politic felt that the Land Transfer Tax has a better chance if the usage was not diluted. The County Manager said that possibly at some point there may be consideration for a public hearing.

**Motion by Susan Pittman and second by Phyllis Forbes to adjourn this Special Meeting on the Land Transfer Tax at 5:00 p.m.**

---

**Kenny Poteat, Chairman**  
**Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk